

APPEAL NO. 030668  
FILED APRIL 17, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 16, 2002, and February 20, 2003. The hearing officer decided that the appellant's (claimant) impairment rating (IR) is 17% as assigned by the Texas Workers' Compensation Commission (Commission)-selected designated doctor. The claimant appeals and the respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

Section 408.122(c) and Section 408.125(e) provide, in part, that the report of the designated doctor has presumptive weight, and the Commission shall base its determination of IR on that report unless the great weight of the other medical evidence is to the contrary. Medical evidence, not lay testimony, is the evidence required to overcome the presumptive weight accorded the designated doctor's report. Texas Workers' Compensation Commission Appeal No. 92166, decided June 8, 1992. There was conflicting evidence regarding the correct IR. The hearing officer, as finder of fact, is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer's decision that the great weight of the other medical evidence is not contrary to the designated doctor's certification of IR is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Accordingly, the hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Roy L. Warren  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge